

Appeal No. 2005-1282
Application No. 09/883,002

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

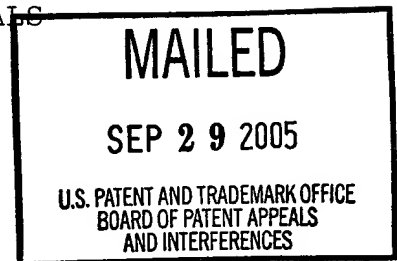
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAN SHAW
and WAYNE VANBENSCHOTEN

Appeal No. 2005-1282
Application No. 09/883,002

ORDER DISMISSING APPEAL



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge,
and SAADAT, Administrative Patent Judge.
Per curiam.


On September 16, 2005, counsel for the appellant filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request

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for Continued Examination (RCE) Transmittal," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.


MICHAEL R. FLEMING,
Chief Administrative
Patent Judge

GARY W. HARKCOM,
Vice Chief Administrative
Patent Judge

MAHSHID D. SAADAT
MAHSHID D. SAADAT
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

MRF: dpv

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